

### **REMARKS**

Claim 13 has been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,869,819 A to Knowles et al. ('Knowles'). Claims 13-14, 17-18, 86-90, and 95-96 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,176,427 B1 to Antognini et al. ('Antognini'). Claims 15-16, 47-54, and 91 have been rejected under 35 U.S.C. § 103 as being unpatentable over Antognini in view of U.S. Patent No. 6,902,114 B2 to Hashimoto et al. ('Hashimoto'). Claims 77-85 and 94 have been rejected under 35 U.S.C. § 103 as being unpatentable over Antognini in view of U.S. Patent No. 5,837,986 A to Barile et al. ('Barile').

With respect to the rejection of independent Claim 13 over Knowles, Claim 13 recites "an encoder encoding into at least one symbol a formatted file in accordance with [a] designator, and a command in accordance with [an] input command data," in combination with numerous other elements. Relative to the above combination, the Examiner has made a reference to Knowles which discloses generating a URL-encoded bar code symbol information structure for a particular WWW-information resource. (Fig. 7A; Col. 15, line 62 – Col. 16, line 7.)

The Examiner contends that Knowles' "WWW information resource" shown in box A of Fig. 7A constitutes a "formatted file." *June 22, 2007 Office Action, page 7.* The applicants respectfully assert that assuming *arguendo* that a "WWW information resource" could be analogized to a "formatted file," Knowles still fails to disclose an encoder encoding into at least one symbol **a formatted file**, since Knowles discloses encoding of the universal resource **locator** (URL) for a "WWW information resource" rather than the "resource" itself (Col. 15, lines 55-56).

The Examiner further contends that Knowles' Block D of Fig. 7A constitutes the "command data to generate an URL-encoded barcode symbol." *June 22, 2007 Office Action, page 7.* The applicants respectfully assert that block D of Fig. 7A represents an element of a flowchart, and thus assuming *arguendo* that block D of Fig. 7A can be considered as a "command" to the processor executing the algorithm depicted on the

flowchart, the relied upon reference still fails to teach a data input area facilitating entry of command data, and encoding the command data by the encoder.

Thus, the applicants respectfully assert that the Examiner failed to show that Knowles teaches every element of Claim 13. If the Examiner wishes to maintain the rejection of Claim 13 over Knowles, the Examiner is respectfully requested to show where in Knowles there are teachings of a "data input area facilitating entry of command data," and an "encoder encoding into at least one symbol a formatted file in accordance with [a] designator, and a command in accordance with [an] input command data."

The Examiner has also rejected independent Claim 13 over Antognini, asserting that the command data relating elements of Claim 13 are anticipated by the teachings on Fig. 2 and at Col. 12 lines 53+. *June 22, 2007 Office Action, page 3*. The applicants respectfully assert that the Antognini's format parameters define the parameters of formatting digital data into a printable pattern, *e.g.*, "the height and width in printer pixels of each printed data spot, the height and width in printer pixels of each cell, the height and width in printer pixels of the markers, and marker to spot, the distance in printer pixels between markers and data spots." Col. 9, lines 52-56. The applicants further respectfully assert that even if Antognini's "format parameters" were analogous to the applicants' "command data" (which the applicants assert that they are not), Antognini is absolutely silent as to encoding the "format parameters" into the at least one symbol.

Thus, the applicants respectfully assert that the Examiner failed to show that Antognini teaches every element of Claim 13. If the Examiner wishes to maintain the rejection of Claim 13 over Antognini, the Examiner is respectfully requested to show where in Antognini there is a teaching of "an encoder encoding into at least one symbol . . . a command in accordance with [an] input command data."

Since independent Claim 13 distinguishes over Knowles and Antognini, as a matter of law the dependent Claims 14-18, 81-85, 90 and 96 also distinguish over

Knowles and Antognini. Dependent Claims 14-18, 81-85, 90 and 96 are believed to be allowable for the reason that they depend on an allowed base claim and for the additional combinations of elements they recite.

With respect to the rejection of independent Claim 47 over Antognini in view of Hashimoto, Claim 47 recites a "data input area receiving information pertaining to a number of bar codes to encode," in combination with numerous other elements. Relative to the above combination, the Examiner has made a reference to Hashimoto, Fig. 5 and Col. 8, lines 35+, which discloses "a procedure of dividing the bar code original data . . . into a plurality of bar codes" (Col. 8, lines 36-37) in a situation where "the number of data pieces to be encoded increases and the full length of the bar code lengthens and exceeds the maximum read range of the bar code reader." (Col. 8 lines 57-59). Thus, Hashimoto discloses a procedure of "divid[ing] bar code original data so that number of the characters per bar code becomes equal to or less than [a pre-determined parameter]" (Fig. 5, ref. S8), where the number of bar codes to encode is one of the outputs of the procedure. Thus, Hashimoto does not teach the number of bar codes to encode being specified by the user.

Thus, the applicants respectfully assert that the Examiner failed to show that the relied upon references teach every element of Claim 47. If the Examiner wishes to maintain the rejection of Claim 47 over Antognini in view of Hashimoto, the Examiner is respectfully requested to show where in the relied upon references there is a teaching of a "data input area receiving information pertaining to a number of bar codes to encode."

Since independent Claim 47 distinguishes over the combination of Antognini and Hashimoto, as a matter of law the dependent Claims 48-51 and 91 also distinguish over the combination of Antognini and Hashimoto. Dependent Claims 48-51 and 91 are believed to be allowable for the reason that they depend on an allowed base claim and for the additional combinations of elements they recite.

With respect to the rejection of independent Claim 52 over Antognini in view of Hashimoto, Claim 52 recites a "data input area for designating a destination directory, the destination directory designating a storage location for data produced by decoding of symbol encoded by [a] symbol generator," in combination with numerous other elements. The applicants respectfully assert that the Examiner did not even attempt to show where in the relied upon references there is a teaching of a "data input area for designating a destination directory, the destination directory designating a storage location for data produced by decoding of symbol encoded by [a] symbol generator." If the Examiner wishes to maintain the rejection of Claim 52 over Antognini in view of Hashimoto, the Examiner is respectfully requested to show where in the relied upon references there is a teaching of a "data input area for designating a destination directory, the destination directory designating a storage location for data produced by decoding of symbol encoded by [a] symbol generator."

Since independent Claim 52 distinguishes over the combination of Antognini and Hashimoto, as a matter of law the dependent Claims 53-54 also distinguish over the combination of Antognini and Hashimoto. Dependent Claims 53-54 are believed to be allowable for the reason that they depend on an allowed base claim and for the additional combinations of elements they recite.

With respect to the rejection of independent Claim 77 over Antognini in view of Barile, Claim 77 recites "an encoder encoding into at least one symbol a file in accordance with designating information input into said first data input area, and further encoding into said at least one symbol a command which when run by a reader that reads said at least one symbol causes said reader to execute one of a plurality of file opening programs, the one file opening program which is executing being responsive to a determination of a file type of said file that is encoded into said symbol," in combination with numerous other elements. Relative to the above combination, the Examiner has made a reference to Barile which discloses encoding a bar code symbol including "an update codeword as well as the updated software file" (Col. 8 lines 35-38), where "the Update codeword functions as a flag to instruct the target device . . . that the

data encoded in the symbol . . . is a software file to be written into the [flash] memory." (Col. 8 lines 37-39). The applicants respectfully assert that Barile does not teach encoding a command which causes the reader to execute one of a plurality of file opening programs. Thus, the Examiner failed to show that the relied upon references teach every element of Claim 77. If the Examiner wishes to maintain the rejection of Claim 77 over Antognini in view of Barile, the Examiner is respectfully requested to show where in the relied upon references there is a teaching of a "encoding into said at least one symbol a command which when run by a reader that reads said at least one symbol causes said reader to execute one of a plurality of file opening programs, the one file opening program which is executing being responsive to a determination of a file type of said file that is encoded into said symbol."

Since independent Claim 77 distinguishes over the combination of Antognini and Barile, as a matter of law the dependent Claims 78-80 and 94 also distinguish over the combination of Antognini and Barile. Dependent Claims 78-80 and 94 are believed to be allowable for the reason that they depend on an allowed base claim and for the additional combinations of elements they recite.

With respect to the rejection of independent Claim 86 over Antognini, independent Claim 86 recites an encoder encoding into at least one symbol a configuration file including user preference configuration data, the configuration file being designated via a user interface, in combination with numerous other elements. The applicants respectfully assert that the Examiner did not even attempt to show where in Antognini there is a teaching of an "encoder encoding into at least one symbol a configuration file including user preference configuration data, the configuration file being designated via a user interface." If the Examiner wishes to maintain the rejection of claim 86 over Antognini, the Examiner is respectfully requested to show where in the relied upon references there is a teaching of a an encoder encoding into at least one symbol a configuration file including user preference configuration data, the configuration file being designated via a user interface.

Claim 86 is amended to correct minor typographical errors. The claim amendment is editorial in nature and neither alters the scope of the claim nor adds new matter. In that the claim amendment respecting Claim 86 does not alter the claim scope, the claim amendment will not be regarded as "narrowing" claim amendment.

Since independent Claim 86 distinguishes over Antognini, as a matter of law the dependent Claims 87-89 and 95 also distinguish over Antognini. Dependent Claims 87-89 and 95 are believed to be allowable for the reason that they depend on an allowed base claim and for the additional combinations of elements they recite.

Regarding the claims discussed herein, the applicants' selective treatment and emphasis of independent claims of the application should not be taken as an indication that the applicants believe that the Examiner's dependent claim rejections are otherwise sufficient. The applicants expressly reserve the right to present arguments traversing the propriety of the dependent claim rejections later in the prosecution of this or another application.

With respect to the claim rejections argued by the applicants herein *supra*, while the applicants herein may have highlighted a particular claim element of a claim for purposes of demonstrating an insufficiency of an examination on the part of an Examiner, the applicants' highlighting of a particular claim element for such purpose should not be taken to indicate that the applicants have taken the position that a particular claim element constitutes the sole basis for patentability out of the context of the various combinations of elements of the claim or claims in which it is present. The applicants note that the applicants maintain the right here forward to assert that each claim is patentable by reason of any patentable combination recited therein.

The applicants believe all of the claims of the present application to be in condition for allowance and respectfully request reconsideration and passage to allowance of the application.

If the Examiner believes that contact with the applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call the applicants' representative at the phone number listed below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to deposit Account No. 503577.

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Respectfully submitted,

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